

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARK DANIEL ROLLINS,

Plaintiff,

v.

PIERCE COUNTY CORRECTIONAL
FACILITY, CORRECTIONS OFFICER
PAPP, SGT. HARDGROVE, and
CORRECTIONS OFFICER SHAVIRI,

Defendants.

NO. C10-5438 RBL/KLS

ORDER DENYING PLAINTIFF'S
MOTION TO AMEND AS MOOT

Before the court is Plaintiff's "Motion to Amend." ECF No. 31. For the reasons stated below, the court finds that the motion should be denied as moot. Plaintiff was directed to file an amended complaint on or before December 26, 2010. ECF No. 29.

BACKGROUND

Plaintiff sued the Pierce County Correctional Facility and Officer Papp, Sgt. Hardgrove, and Correctional Officer Shaviri, employees of the Pierce County Jail. ECF No. 7, pp. 2-3. Plaintiff alleges that on February 19, 2010, while he was a pre-trial detainee at the Pierce County Jail, Officer Papp assaulted him by slamming his face into a wall. *Id.*, p. 3. Plaintiff alleges that he suffered a broken nose and is now permanently disfigured and has

1 breathing complications. *Id.* Plaintiff further alleges that Defendants Hardgrove and
2 Correctional Officer Shaviri “tride [sic] covering it up.” *Id.*

3 On November 26, 2010, Defendants’ motion to dismiss Plaintiff’s claims against
4 Defendant Pierce County Correctional Facility was granted. ECF No. 29. Defendants motion
5 to dismiss Plaintiff’s claims against Defendants Hardgrove and Shaviri was denied and
6 Plaintiff was granted leave to file an amended complaint on or before December 26, 2010 to
7 allege facts relating to Defendants Hardgrove and Shaviri only. *Id.*

9 On December 16, 2010, Plaintiff filed a “Motion to Amend” requesting leave to
10 amend his complaint against Defendants Hardgrove and Shaviri. ECF No. 31.

11 **DISCUSSION**

12 Plaintiff has not submitted an amended complaint as directed. An amended complaint
13 supersedes the original in its entirety, making the original as if it never existed. The
14 allegations contained in Plaintiff’s motion to amend are not sufficient to properly plead an
15 amended complaint to include all of his factual and legal allegations, including those stated in
16 his original complaint.

18 Federal Rule of Civil Procedure Rule 8(a) requires that a complaint contain a “short
19 and plain statement” sufficient to put the opposing party on notice of the claims against which
20 it must defend. Fed. R. Civ. P. Rule 8(a). Specifically, Rule 8(a) states:

22 [a] pleading which sets forth a claim for relief ... shall contain (1) a short and
23 plain statement of the grounds upon which the court's jurisdiction depends ... (2)
24 a short and plain statement of the claim showing that the pleader is entitled to
25 relief, and (3) a demand for judgment for the relief the pleader seeks. Relief in
26 the alternative or of several different types may be demanded.
Fed. R. Civ. P. 8(a). Additionally, each allegation in a pleading “must be simple, concise, and
direct.” Fed. R. Civ. P. 8(d)(2).

1 In order to satisfy the standards for federal pleadings, Plaintiff's complaint must
2 include factual allegations of the circumstances and events that support each claim he is
3 asserting against Defendants Hardgrove and Shaviri. Rule 8 does not require a heightened
4 level of pleading for most claims; but each claim must be supported by facts that, if proven to
5 be true, would satisfy the elements of each claim raised in the Complaint.
6

7 Plaintiff is further advised that an amended complaint operates as a complete substitute
8 for (rather than a mere supplement to) the present complaint. In other words, an amended
9 complaint supersedes the original in its entirety, making the original as if it never existed.
10 Therefore, reference to another document is not an acceptable amendment. Plaintiff must
11 include all of his factual allegations, legal claims, and requests for relief in his amended
12 complaint.
13

14 Accordingly, Plaintiff's Motion to Amend (ECF No. 31) is **DENIED as moot**.
15 Plaintiff was given leave to file an amended complaint on or before December 26, 2010. The
16 court will extend that deadline until **January 28, 2011**. If Plaintiff has not filed an amended
17 complaint by that time, the court will recommend dismissal of this lawsuit as frivolous. The
18 Clerk shall send copies of this Order to Plaintiff and to counsel for Defendants.
19

20 **DATED** this 11th day of January, 2011.

21 
22 Karen L. Strombom
23 United States Magistrate Judge
24
25
26